

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed July 26, 2007. Claims 80-89 and 109-116 are presented herewith for consideration.

Rejection of Claims 80, 109 and 116 Under Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 80, 109 and 116 are rejected under the judicially created doctrine of obviousness-type double patenting as being anticipated by claims 38, 53, 63 and 68 of Application No. 10/659,646. Claims 80, 109 and 116 have each been amended in a way that is believed to distinguish these claims over the claims of Application No. 10/659,646. In particular, each of these claims have been amended to recite that, in addition to binary differencing data, at least one data field type is also stored and/or output to an output device. This distinction is explained in greater detail below with respect to the §102 rejection. Based on this amendment, it is respectfully requested that the rejection under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Objection of Claims 81-83, 87 and 89

Claims 81-83, 87 and 89 are objected to for containing informalities. Each of claims 81-83, 87 and 89 have been amended in a way to overcome the objection to the claims on the stated grounds. It is therefore respectfully requested that the objection of these claims be withdrawn.

Rejection of Claims 80 and 109 Under 35 U.S.C. §101

Claims 80 and 109 are rejected under 35 U.S.C. §101 because the claims invention is directed to non-statutory subject matter. Claims 80 and 109 have been amended to specifically recite that the recited code and generator are “implemented on a processing device.” It is respectfully submitted that claims 80 and 109 as amended do not merely recite computing steps not limited to a practical application. Implementation on a processing device is a practical application. It is therefore respectfully requested that the rejection of these claims under 35 U.S.C. §101 be withdrawn.

Rejection of Claims 80-87, 90 and 109-116 Under 35 U.S.C. §102(e)

Claims 80-87, 90 and 109-116 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,321,236 B1 to Zollinger, et al. (hereinafter “Zollinger”). Applicants have amended the claims in a way that is believed to distinguish over the cited reference.

In particular, independent claims 80, 109 and 116, as well as each of the remaining claims dependent thereon, have been amended to recite that, in addition to binary differencing data, at least one data field type is also stored and/or output to an output device. This limitation is explained in the specification, for example at page 27, starting at line 14:

Each Application Object (AO) is a software component that interfaces with the third party application APIs (Application Programming Interface) to provide the programming services to the delta module for extraction and deposition of information data from and to the third party application domain during synchronization. In addition, the AO maps the third party application data fields to system’s domain.

Zollinger has no disclosure, teaching or suggestion of a system which stores and/or outputs both binary differencing data and at least one data field. Without such a disclosure, Zollinger cannot anticipate the invention recited in the claims. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997).

Based on the above amendments to the claims and the discussion presented above, it is respectfully submitted that the claims are patentable over Zollinger, and it is therefore respectfully requested that the rejection of these claims under 35 U.S.C. §102(e) be withdrawn.

Rejection of Claim 88 Under 35 U.S.C. §103(a)

Claim 88 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zollinger in view of U.S. Patent No. 5,519,433 to Lappington, et al. (hereinafter “Lappington”).

Claim 88 depends on claim 80. As indicated above, claim 80 has been amended to recite limitations which are nowhere taught or suggested in Zollinger. In particular, claim 80 has been amended to recite that, in addition to binary differencing data, at least one data field type is also

stored and/or output to an output device. Lappington adds nothing to the teaching of Zollinger in this regard. Therefore, it is respectfully submitted that claim 88 is patentable over the cited references, taken alone or in combination with each other, and it is respectfully requested that the rejection of this claim under 35 U.S.C. §103(a) be withdrawn.

Rejection of Claim 89 Under 35 U.S.C. §103(a)

Claim 89 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zollinger in view of previously-cited U.S. Patent No. 5,574,906 to Morris (hereinafter “Morris”).

Claim 88 depends on claim 80. As indicated above, claim 80 has been amended to recite limitations which are nowhere taught or suggested in Zollinger. In particular, claim 80 has been amended to recite that, in addition to binary differencing data, at least one data field type is also stored and/or output to an output device. Morris adds nothing to the teaching of Zollinger in this regard. Therefore, it is respectfully submitted that claim 88 is patentable over the cited references, taken alone or in combination with each other, and it is respectfully requested that the rejection of this claim under 35 U.S.C. §103(a) be withdrawn.

It is therefore respectfully requested that the rejection of claim 89 under 35 U.S.C. §103(a) be withdrawn.

Based on the above amendments and these remarks, reconsideration of claims 80-89 and 109-116 is respectfully requested.

The Examiner’s prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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